

Message Text

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SUBJ: 13TH SESSION COMMITTEE ON THE ELIMINATION OF RACIAL DIS-
CRIMINATION (CERD), MARCH 29-APRIL 15

1. SUMMARY: DURING THE LAST TWO WEEKS OF THE CERD SESSION
(APRIL 5-15) THE COMMITTEE CONSIDERED ALL REMAINING REPORTS RECEIVED
FROM STATES PARTIES. A TOTAL OF 28 WERE DISCUSSED DURING THE 3 WEEKS
OF MEETINGS. THE FOURTH PERIODIC REPORT OF POLAND WAS
DEFERRED UNTIL THE 14 THE SESSION. THESE 34 PARTIES NOT RES-
PONDING TO REQUESTS WILL BE SENT REMINDERS BY THE SYG NOTIFYING
THEM THAT THEIR REPORTS ARE NOW OVER DUE.

2. THE MOST ZEALOUS REPORT WAS FROM CUBA AND PRESENTED BY
MIGUEL ALFONSO MARTINEZ. ALFONSO WAS A MEMBER OF THE GOC DEL
TO THE 32ND SESSION OF THE HUMAN RIGHTS COMMISSION AND WAS AS
USUAL IN PERPETUAL MOTION.

3. IN A DISCUSSION ABOUT ITS AGENDA FOR THE SUMMER SESSION,
THE COMMITTEE DECIDED TO CONSIDER THE ISSUE RAISED IN DOCUMENT
CERD/C/R/72/REV. 1 AS A SEPARATE ITEM. THIS MATTER DEALS
WITH THE LEGAL VALUE AND SCOPE OF THE RESERVATIONS, DECLARATIONS

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AND STATEMENTS OF INTERPRETATION MADE BY STATES PARTIES.

4. THE PROGRAM FOR THE DECADE TO COMBAT DISCRIMINATION WAS CONSIDERED AT THE FINAL MEEETING OF THE COMMITTEE. SEVERAL PROPOSALS WERE DISCUSSED BUT NO DECISIONS MADE. ALTHOUGH ARAB DELS CONTENDED THAT THEY WERE NOT INTERESTED IN DISCUSSING RESOLUTION A/RES/3379 (XXX) THEY RELENTED FOLLOWING A STATEMENT BY THE USSR MEMBER IN WHICH HE EXPLAINED THAT HE FELT MORALLY COMPELLED TO DISCUSS THE RES. SINCE IT RELATED TO THE WORK OF THE COMMITTEE.

5. AT THE FINAL SESSION THE DIRECTOR OF THE HUMAN RIGHTS COMMISSION (SCHREIBER) STATED THAT SOME PROGRESS HAD BEEN MADE WITH THE GOVERNMENT OF GHANA ON HOLDING THE DECADE CONFERENCE THERE.
END SUMMARY.

6. STATES REPORTING ON ACTIONS TAKEN TO ELIMINATE RACIAL DISCRIMINATION GAVE LENGTHY, WEARISOME PRESENTATIONS SOMETIMES TOTALLY UNRELATED TO THE PROTECTION OF HUMAN RIGHTS. AN EXAMPLE WAS THE JORDANIAN WHO STATED AT THE END OF THE DISCUSSION OF HIS REPORT THAT HIS GOVERNMENT HAD NOT CLEARLY UNDERSTOOD WHAT WAS WANTED BY THE COMMITTEE. THE CUBAN REPORT WAS PRESENTED BY MIGUEL ALFONSO MARTINEZ WHO FLEW IN FROM NEW YORK FOR THE OCCASION. AS HE DID DURING THE HUMAN RIGHTS SESSION, ALFONSO WAS CONSTANTLY MOVING FROM ONE MEMBER TO ANOTHER, PRESUMABLY REQUESTING THAT THEY MAKE FAVORABLE COMMENTS ABOUT THE CUBAN REPORT. WHATEVER THE PURPOSE OF THE NUMEROUS CAUCUSES, HE RECEIVED EFFUSIVE PRAISE FROM ALL THE ARAB COMMITTEE MEMBERS. OTHER MEMBERS INCLUDING THE CHAIRMAN (KEPTEYN, NETHERLANDS) WERE LESS ENTHUSIASTIC. KOPTEYN NOTED THAT HE COULD NOT AGREE WITH ALL THE THINGS CITED IN THE CUBAN REPORT BUT RESPECTED THE GOC'S RIGHTS IN THESE MATTERS. HE WENT ON TO QUESTION THE CUBAN JUDICIAL SYSTEM AS IT RELATED TO ARTICLE 6 OF THE CONVENTION. THIS ISSUE WAS PURSUED BY THE GERMAN AND FRENCH MEMBERS WITH THE LATTER ALSO POINTING OUT THAT RACISM DID NOT DISAPPEAR WITH IMPROVED SOCIAL AND ECONOMIC CHANGE AS STATED IN MARXIST DOCTRINE.

8. IN DUSCUSSING THE AUGUST SESSION CERD TENTATIVELY AGREED LIMITED OFFICIAL USE

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ON A SCHEDULE AND AGENDA ITEMS TO BE CONSIDERED. SCHREIBER SAID THAT THE ISSUE RAISED IN DOCUMENT CERD/C/R/72/REV. 1 WHICH RELATES TO RESERVATION, DECLARATIONS AND/OR STATEMENTS OF INTERPRETATION WILL BE DISCUSSED AS A SEPARATE AGENDA ITEM. TO ASSIST WITH ANY COMPLICATED LEGAL QUESTIONS, HE NOTED THAT LEGAL EXPERTISE WOULD BE AVAILABLE.

9. IN ACCORDANCE WITH ARTICLE 15 OF THE CONVENTION, THE

COMMITTEE MUST ALSO CONSIDER PETITIONS, REPORTS AND OTHER INFORMATION RELATING TO MATTERS OF RACIAL DISCRIMINATION IN TRUST AND NON-SELF GOVERNING TERRITORIES AS TRANSMITTED TO IT BY THE SPECIAL COMMITTEE OF 24 ON DECOLONIZATION. SINCE THE WORKING GROUPS WHO DEAL WITH THIS INFORMATION DID NOT REPORT AT THIS SESSION THE ITEM WILL BE CONSIDERED AT THE 14TH SESSION IN NEW YORK.

10. IN AN ATTEMPT TO DOWNPLAY THE DECADE ITEM, SCHREIBER PRIVATELY TOLD MISOFF THAT ARRANGEMENTS HAD BEEN MADE TO DISCUSS THE ISSUE ON THE FINAL MORNING OF THE SESSION WHEN NO QUORUM EXISTED, THEREBY PREVENTING ANY COMMITTEE DECISIONS. HE MAINTAINED THAT THIS MANEUVER WOULD WORK BECAUSE THE ARABS DID NOT WANT TO DISCUSS RES. 3379 ALTHOUGH THEY HAD SAID THEY WOULD RESPOND IF THE SOVIET MEMBER INTRODUCED THE MATTER.

1. A QUORUM WAS PRESENT DURING THE FINAL MEETING. AND SOVIET MEMBER BLISCHENKO, DRIVEN BY WHAT HE SAID WAS MORAL COMPULSION, MADE A RAMBLING STATEMENT IN WHICH HE SAID THAT CERD SHOULD TAKE A FIRM POSITION AGAINST NAZISM, FASCISM AND ALL FORMS OF RACISM AND RACIAL DISCRIMINATION. HE NOTED THAT RES. 3379 HELD SIGNIFICANCE FOR CERD AS WELL AS ALL RESOLUTIONS DEALING WITH RACIAL DISCRIMINATION.

12. THE KUWAITI MEMBER (SAYEGH), THE ONLY ARAB MEMBER COMMENTING ON THE USSR PROPOSAL, SAID ONLY THAT HE SUPPORTED THE USSR ON THE IMPORTANCE OF RES. 3379. DECHEZELLES, THE FRENCH MEMBER NOTED THAT IN ADOPTING THE RESOLUTION THE GA EXPRESSED ITS CONVICTION BUT NOT IN THE FRAMEWORK OF CERD. HE CONTINUED BY EXPLAINING THAT CERD'S MANDATE INDICATES THE AREAS WHERE THE COMMITTEE IS TO WORK AND IF ITS EFFORTS ARE DISPERSED TO COVER NAZISM, FACISM, ETC. THE EFFECTIVENESS OF CERD WOULD BE LOST.

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13. THE FOLLOWING PROGRAMS FOR THE DECADE WERE PROPOSED BY THE COMMITTEE: 1) STUDIES WHICH WOULD EXPLORE METHODS FOR IMPLEMENTING SOME OF THE ARTICLES OF THE CONVENTION, 2) SEMINARS WHICH WOULD INCLUDE STATES PARTIES AND STATES NOT PARTIES TO THE CONENTION AS A MEANS OF ENCOURAGING RATIFICATION BY NON-MEMBERS, 3) SEMINARS ON THE SPECIAL RACIAL DISCRIMINATION PROBLEMS OF MIGRANT WORKERS, AND 4) EXCHANGE AND COORDINATION OF INFORMATION (AND POSSIBLY A CONFERENCE) BETWEEN UN ORGANS, E.G. ILO, UNESCO ON THE METHODS USED TO COMBAT RACISM. IN CLOSING THE CHAIRMAN NOTED THAT NO DEFINITE PROPOSALS HAD BEEN RECOMMENDED BY THE COMMITTEE. HE SUGGESTED THAT MEMBERS PONDER THE ABOVE SUGGESTIONS AND PLAN TO DISCUSS THEM AT THE 14TH SESSION IN AUGUST. DALE

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